

Application No. (if known): 10/688721

Attorney Docket No.: ENI-028BCPCN

Certificate of Express Mailing Under 37 CFR 1.10

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MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on October 6, 2004
Date

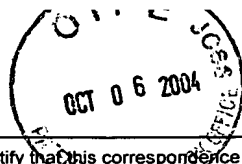
Signature

DeAnn F. Smith, Esq., Reg No. 36,683

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Form (1 page)
Fee Transmittal (1 page, in duplicate)
Letter Regarding Omission of Identified Claims (2 pages)
Response to Notice to File Missing Parts of Application (2 pages)
Designation of Record Attorneys (1 page)
Copies of the Declaration for Patent Application (12 pages, total)
Copies of Declarations Claiming Small Entity Status (Small Business Concern) (6 pages, total)
Information Disclosure Statement (IDS) (2 pages)
Form PTO/SB/08ab (08-03) along with one (1) cited reference U.S. Patent No. 6,465,516
Copy of Notice to File Missing Parts of Application (2 pages)
This Certificate of Express Mailing (1 page)
Charge \$65.00 to Deposit Account 12-0080
Return Receipt Postcard



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Dated: October 6, 2004

Signature: 

(DeAnn F. Smith, Esq.)

Docket No.: ENI-028BCPCN
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
James K. Liao *et al.*

Application No.: 10/688721

Filed: October 15, 2003

For: UPREGULATION OF TYPE III
ENDOTHELIAL CELL NITRIC OXIDE
SYNTHASE BY HMG-CoA REDUCTASE
INHIBITORS

Confirmation No.: 1754

Art Unit: 1614

Examiner: J. M. Kim

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed August 23, 2004, Applicant respectfully submit copies of four Combined Declarations and Powers of Attorney (12 pages), Declarations Claiming Small Entity Status - Small Business Concern (6 pages) and Notice to File Missing Parts of Application (2 pages).

Please charge our Deposit Account No. 12-0080 in the amount of \$65.00 covering the fee set forth in 37 CFR 1.16(e). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. ENI-028BCPCN. A duplicate copy of this paper is enclosed. Applicants request any extensions of time necessary to respond.

Dated: **October 6, 2004**

Respectfully submitted,

By 

DeAnn F. Smith, Esq.

Registration No.: 36,683

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney for Applicants

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as **Express Mail, Airbill No. EV 419 928 005 US**, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 6, 2004

Signature: _____

(DeAnn F. Smith, Esq.)

Docket No.: ENI-028BCPCN
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: James K. Liao *et al.*

Application No.: 10/688721

Confirmation No.: 1754

Filed: October 15, 2003

Art Unit: 1614

For: UPREGULATION OF TYPE III
ENDOTHELIAL CELL NITRIC OXIDE
SYNTHASE BY HMG-CoA REDUCTASE
INHIBITORS

Examiner: J. M. Kim

LETTER REGARDING OMISSION OF IDENTIFIED CLAIMS

MS Missing Parts
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants wish to inform the Examiner that the instant application includes claims that are similar to claims in US Patent No. 6,465,516. Specifically, claims 1, 3-8 and 10-14, in the instant application are similar to claims 1-12, respectively, in U.S. Patent No. 6,465,516. Applicants recently became aware of an omission regarding identification of these claims, which Applicants immediately wish to bring to the Examiner's attention. U.S. Patent No. 6,465,516 is cited in the Information Disclosure Statement submitted with this letter. As the Examiner is aware, a similar set of claims was filed in co-pending U.S. Serial No. 09/273,445, which is a parent of the instant application. Accordingly, Applicants are filing a similar letter in U.S. Serial No. 09/273,445.

The Applicants invite the Examiner to call Applicants' attorney at (617) 227-7400, if she wishes to discuss this application.

Dated: **October 6, 2004**

Respectfully submitted,

By 

DeAnn F. Smith, Esq.

Registration No. 36,683

LAHIVE & COCKFIELD, LLP

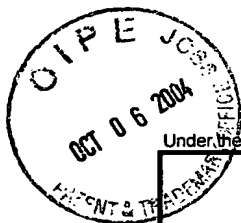
28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney for Applicants



PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/688721-Conf. #1754
	Filing Date	October 15, 2003
	First Named Inventor	James K. LIAO
	Art Unit	1614
	Examiner Name	J. M. Kim
Total Number of Pages in This Submission	Attorney Docket Number	ENI-028BCPCN

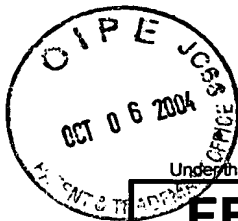
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Letter Regarding Omission of Identified Claims <input checked="" type="checkbox"/> Other: Designation of Record Attorneys; Copies of the Declarations for Patent Application; Copies of Declarations Claiming Small Entity Status; Form PTO/SB/08ab (08-03) along with one (1) cited reference, U.S. Patent No. 6,465,516; Copy of Notice to File Missing Parts; Certificate of Express Mailing; and Return Postcard.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	LAHIVE & COCKFIELD, LLP DeAnn F. Smith, Esq. - 36,683
Signature	
Date	October 6, 2004

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Dated: October 6, 2004

Signature: (DeAnn F. Smith, Esq.)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 65.00

Complete if Known

Application Number	10/688721-Conf. #1754
Filing Date	October 15, 2003
First Named Inventor	James K. LIAO
Examiner Name	J. M. Kim
Art Unit	1614
Attorney Docket No.	ENI-028BCPCN

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

12-0080

Deposit
Account
Name

Lahive & Cockfield, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims			
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater, For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65.00

SUBMITTED BY

Name (Print/Type) DeAnn F. Smith, Esq.

Registration No.
(Attorney/Agent)

36,683

(Complete (if applicable))

Telephone (617) 227-7400

Signature

Date

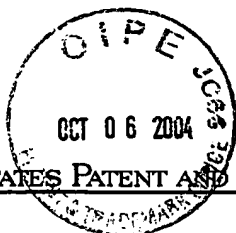
October 6, 2004

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Dated: October 6, 2004

Signature:

(DeAnn F. Smith, Esq.)



10-08-04

SPW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/688,721	10/15/2003	James K. Liao	ENI-028BCPCN

CONFIRMATION NO. 1754

00959
LAHIVE & COCKFIELD, LLP.
28 STATE STREET
BOSTON, MA 02109

FORMALITIES LETTER



OC000000013618592

Date Mailed: 08/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

10/12/2004 HMEKONEW 00000026 120080 10688721

01 FC:2051 65.00 DA

*A copy of this notice **MUST** be returned with the reply.*

Y. Er

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE